

Entered -4-13-99 - sb
CL 99L0210- GWENDOLYN BURNS

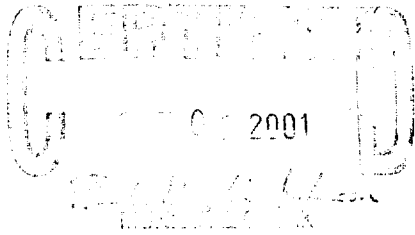
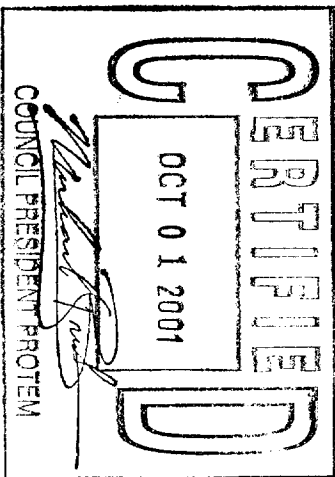
CLAIM OF: LENBROOK SQUARE
3747 Peachtree Road, NE
Atlanta, Georgia 30319

01-R-1554

For property damages alleged to have been sustained as a result of a
sewer back up at 3580 Piedmont Road, NE on March 30, 1999.

THIS ADVERSED REPORT IS
APPROVED

BY: Rosalind Rubens Newell
ROSALIND RUBENS NEWELL
DEPUTY CITY ATTORNEY Robert N. Ch... DCA



ADVERSE REPORT OCT 01 2001

ADVERSE REPORT

PUBLIC SAFETY &

LEGAL ADMINISTRATION COMMITTEE

DATE: **SEP 25 2001**

✓ CHAIR: Chela Henderson
[Signature]
[Signature]
[Signature]



**CITY OF ATLANTA
OFFICE OF MUNICIPAL CLERK**

**RHONDA DAUPHIN JOHNSON, CMC
MUNICIPAL CLERK**

**55 TRINITY AVENUE, S.W.
SECOND FLOOR, EAST
SUITE 2700
ATLANTA, GEORGIA 30335
(404) 330-6033
FAX (404) 658-6103**

October 3, 2001

Lenbrook Square
3747 Peachtree Road, NE
Atlanta, Georgia 30319

01-R-1554

Dear Mr. Square:

I sincerely regret that you have been adversely affected by the circumstances raised in your claim for damages against the City of Atlanta. Your time and patience in this matter has been greatly appreciated.

However, I must notify you that the Atlanta City Council Adopted an Adverse Report on your claim at its regular meeting on October 1, 2001. In consultation with the City's Law Department, who conducted an investigation of the situation, the Council has determined that the City cannot accept responsibility for this matter and therefore cannot pay this claim.

If you desire any further information, please contact the **City Attorney's Office/Claims Division** at (404) 330-6400.

Yours very truly,
Rhonda Dauphin Johnson

Rhonda Dauphin Johnson, CMC
Municipal Clerk

cc: Claims Division/Law Department

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 99L0210

Date: September 12, 2001

Claimant /Victim LENBROOK SQUARE
BY: (Atty) (Ins. Co.) _____
Address: 3747 Peachtree Road, NE, Atlanta, Georgia 30319
Subrogation: _____ Claim for Property damage \$ Unspecified Bodily Injury \$ _____
Date of Notice: 4/1/99 Method: Written, Proper X Improper _____
Conforms to Notice: O.C.G.A. §36-33-5 _____ Ante Litem (6 Mo.) _____
Date of Occurrence 3/30/99 Place: 3580 Piedmont Road, NE
Department PUBLIC WORKS Division Sewer Operations
Employee involved _____ Disciplinary Action: _____

NATURE OF CLAIM: Claimant alleges that it sustained property damages from a sewer back up. An investigation determined that the City responded to the back up in a timely manner and found grease deposits in claimant's service lateral line. The service lateral line was cleared and the mainline was degreased. Furthermore, the mainline was inspected and there was nothing found in the line that could have caused or encouraged a grease blockage. Lastly, the investigation showed that the grease blockage resulted from grease entering the system from the cafeteria located on claimant's property which is a violation of the City's grease ordinance (Atlanta City Code § 154-297). The operation of the City sewer system is a government function and the City is immune from liability as set forth in O.C.G.A. § 36-33-1.

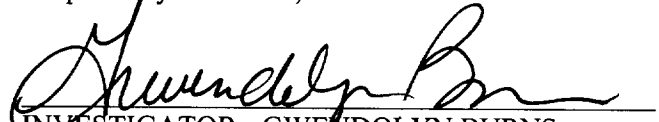
INVESTIGATION:

Statements: City employee X Claimant _____ Others _____ Written _____ Oral X
Pictures _____ Diagrams _____ Reports: Police _____ Dept Report X Other X
Traffic citations issued: City Driver _____ Claimant Driver _____
Citation disposition: City Driver _____ Claimant Driver _____


BASIS OF RECOMMENDATION:

Function: Governmental X Ministerial _____
Improper Notice _____ More than Six Months _____ Other X Damages reasonable _____
City not involved _____ Offer rejected _____ Compromise settlement _____
Repair/replacement by Ins. Co. _____ Repair/replacement by City Forces _____
Claimant Negligent _____ City Negligent _____ Joint _____ Claim Abandoned _____

Respectfully submitted,


INVESTIGATOR - GWENDOLYN BURNS

RECOMMENDATION:

Pay \$ _____ Adverse X Account charged: 1A01 _____ 2J01 _____ 2H01 _____
Claims Manager:  Concur/date 09-14-01
Committee Action: _____ Council Action _____

RCS# 3142
10/01/01
1:54 PM

Atlanta City Council

Regular Session

CONSENT

Pages 1 thru 14

ADOPT

SEE ATTACHED LISTING OF
ITEMS ADOPTED/ADVERSED
ON CONSENT AGENDA

YEAS: 12
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 2
EXCUSED: 0
ABSENT 2

Y McCarty
Y Starnes
Y Bond
B Winslow

Y Dorsey
Y Wooldard
Y Morris
Y Muller

Y Moore
B Martin
NV Maddox
Y Boazman

Y Thomas
Y Emmons
Y Alexander
NV Pitts

ITEM (S) REMOVED FROM
CONSENT AGENDA
01-O-1018

CONSENT

ITEMS ADOPTED ON CONSENT AGENDA	10/01/01 Council Meeting	ITEMS ADVERSED ON CONSENT AGENDA
1. 01-O-1570		39. 01-R-1529
2. 01-O-1571		40. 01-R-1530
3. 01-O-1354		41. 01-R-1531
4. 01-O-1488		42. 01-R-1532
5. 01-O-1335		43. 01-R-1533
6. 01-O-1336		44. 01-R-1534
7. 01-O-1337		45. 01-R-1535
8. 01-O-1342		46. 01-R-1536
9. 01-O-1343		47. 01-R-1537
10. 01-O-1344		48. 01-R-1538
11. 01-O-1345		49. 01-R-1539
12. 01-O-1346		50. 01-R-1540
13. 01-O-1119		51. 01-R-1541
14. 01-O-1351		52. 01-R-1542
15. 01-O-1572		53. 01-R-1543
16. 01-R-1588		54. 01-R-1544
17. 01-R-1273		55. 01-R-1548
18. 01-R-1276		56. 01-R-1549
19. 01-R-1428		57. 01-R-1550
20. 01-R-1456		58. 01-R-1551
21. 01-R-1471		59. 01-R-1552
22. 01-R-1499		60. 01-R-1553
23. 01-R-1580		61. 01-R-1554
24. 01-R-1581		62. 01-R-1555
25. 01-R-0921		63. 01-R-1556
26. 01-R-1561		64. 01-R-1557
27. 01-R-1584		65. 01-R-1558
28. 01-R-1521		66. 01-R-1559
29. 01-R-1522		67. 01-R-1560
30. 01-R-1523		
31. 01-R-1524		
32. 01-R-1525		
33. 01-R-1526		
34. 01-R-1527		
35. 01-R-1528		
36. 01-R-1545		
37. 01-R-1546		
38. 01-R-1547		